

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4 ATLANTA FEDERAL CENTER 61 FORSYTH STREET ATLANTA, GEORGIA 30303-8960

OCT 0 1 2018

<u>CERTIFIED MAIL</u> 7017 1450 0000 7972 0042 <u>RETURN RECEIPT REQUESTED</u>

The Honorable Chokwe A. Lumumba Mayor of Jackson 219 South President Street Jackson, Mississippi 39205

Re: Compliance with the Federal Consent Decree Regarding the City of Jackson's Sewage and Wastewater Treatment System, Civil Action No. 3:12-cv-790-TSL-JMR

Dear Mayor Lumumba:

Thank you for meeting with us on August 9, 2018, to discuss Consent Decree (CD) compliance status. The EPA appreciates the Department of Public Works' (DPW) recent candor in discussing progress in meeting the CD terms. However, we are concerned that significant terms are not being met at this time, resulting in ongoing non-compliance with the CD and the Clean Water Act (CWA). Specifically, we note that the City has not prepared and implemented the Group 1 Sewershed Evaluation that was required by June 1, 2018; that the City has not adequately implemented the Capacity, Management Operations and Maintenance (CMOM) programs previously approved by EPA and MDEQ; and, that the City is not sufficiently attending to short-term emergency needs in repairing sewer lines. The EPA previously raised some of these concerns in the enclosed December 14, 2017 letter, and while the City has made some progress, it remains in extensive non-compliance with the CD. Adequately addressing these problems will require significant, long-term capital investment by the City.

As discussed in the August meeting, the EPA needs to fully understand the City's long-term plans for complying with the CD and, ultimately, the CWA. The City must provide the EPA and the Mississippi Department of Environmental Quality (MDEQ) with a rate model and a detailed Financial Capability Analysis to justify the length of any extensions. As agreed upon by counsel, the City will submit these materials to the EPA and the MDEQ by the week of October 1, 2018, and will meet with both agencies in or around the week of October 15, 2018, to continue our discussions regarding the CD. We will be in touch with the DPW to schedule this meeting.

The EPA would also like to remind you that the City has already incurred substantial stipulated penalties related to Sanitary Sewer Overflows (SSOs), unauthorized bypasses at the Savanna Street Wastewater Treatment Plant, and its ongoing failure to comply with the CD. These penalties for noncompliance (as set forth in Section X of the CD) continue to accrue. Should the City fail to take significant steps towards coming into compliance with the CD soon, the United States reserves all of its rights under the CD and Federal law to seek compliance.

If you have any questions, please contact me at (404) 562-8979 or Gettle.Jeaneanne@epa.gov, or the Water Protection Division Deputy Director, Mr. Cesar Zapata, at (404) 562-9744 or Zapata.Cesar@epa.gov.

Sincerely,

Jeaneanne M. Gettle, Difector Water Protection Division

Enclosure

cc: Councilman Ashby Foote City of Jackson, Ward 1

Councilman Melvin Priester, Jr. City of Jackson, Ward 2

Councilman Kenneth Stokes City of Jackson, Ward 3

Councilman De'Keither Stamps City of Jackson, Ward 4

Councilman Charles Tillman City of Jackson, Ward 5

Councilman Aaron Banks City of Jackson, Ward 6

Councilwoman Virgi Lindsay City of Jackson, Ward 7

Mr. Tim Aultman Mississippi Department of Environmental Quality

Ms. Gretchen Zmitrovich Mississippi Department of Environmental Quality

Mr. Karl Fingerhood U.S. Department of Justice



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 1 4 2017

CERTIFIED MAIL 7017 1450 0000 7913 1022 RETURN RECEIPT REQUESTED

City of Jackson c/o Mr. Robert K. Miller Director, Public Works Department P.O. Box 17 Jackson, Mississippi 39205-0017

Re: EPA/MDEQ inspection City of Jackson Consent Decree Case No.: 3:12-cv-790-TSL-JMR

Dear Mr. Miller.

Thank you for your time and your staff's cooperation in discussing the City of Jackson's (Jackson) compliance with the federal Consent Decree. In discussing Jackson's implementation of the previously approved Capacity, Management, Operations and Maintenance (CMOM) Programs, we appreciate Jackson's open and frank discussions. Please find enclosed a summary of our discussions, as well as a write up on our field activities during the days of November 28 and 29, 2017.

If you have any questions regarding the enclosed report, please contact Mr. Brad Ammons at (404) 562-9769 or via email at animons.brad@epa.gov or Mr. Dennis Sayre at (404) 562-9756 or via email at sayre.dennis @epa.gov

Sincerely,

Maurice L. Horsey, IV, Chief

Municipal & Industrial Enforcement Section NPDES Permitting & Enforcement Branch

Enclosure

cc: Mr. Les Herrington, P.E.
Mississippi Department of Environmental Quality

Mr. Terry Williamson City of Jackson

EPA/MDEQ/City of Jackson, MS meeting

November 28 and 29, 2017

After brief introductions, the EPA (Brad Ammons and Dennis Sayre) and Mississippi Department of Environmental Quality (MDEQ) began discussions on each of the City of Jackson's (Jackson) approved Capacity, Management, Operations and Maintenance (CMOM) Programs that were submitted as required by the Consent Decree (CD). Below is a summary of the discussions.

Mr. Robert K. Miller (Jackson's new Public Works Department Director) mentioned that Jackson may modify all of the previously approved CMOM Programs to reflect who is responsible for which CMOM Programs (Jackson vs. Consultants vs. Program Manager). It was mentioned that Jackson only has 1 vacuum truck crew and only 1 construction crew for sewer work. In addition, Jackson does not have any funds earmarked for emergency capital projects and virtually all of the 1% special purpose sales tax funds have been spent on streets and drainage.

Mr. Miller has identified a major problem in Jackson's bureaucracy that severely delays emergency response to where it takes 2 or 3 weeks after an emergency declaration to get a contractor on-site to correct any problems that are beyond the Public Works Department's ability. Jackson's Public Work's budget does not have adequate "days of cash" on hand to respond adequately to emergencies. Moody's requires that a utility have at least 180 days of cash on hand to qualify for a AA rating. Mr. Miller is also working to put Jackson on a path to obtain AA rating. This is important for Jackson to be able to adequately fund the CD.

The PW Director plans to also bring in a team of experts to evaluate the PW Department and provide him a gauge of how far away the Department is from being an effective utility, as outlined in the "effective utility management framework."

CMOM Training Program: This submittal was approved on April 25, 2014. Jackson admitted that there is a shortage in sewer maintenance workers and heavy equipment operators, and thus, those workers do not have time to attend training meetings. There was discussion that Jackson is trying to utilize more online trainings, but those have not been developed yet. Thus, Jackson has not fully implemented the CMOM Training Program.

Water Quality Monitoring Program: This submittal was approved on December 4, 2017 (the approval letter was in routing for signature during this meeting). Jackson has requested twelve (12) months to implement this Program. Thus, Jackson has not fully implemented the Water Quality Monitoring Program.

Fats, Oils and Grease (FOG) Control Program: This submittal was approved on August 9, 2016. Jackson mentioned that Mr. Clyde Burnett (consultant for Jackson) has taken responsibility for implementing this CMOM Program. Mr. Burnett will be meeting with the restaurants soon and he has identified "hot spots" for FOG related sewer blockages. Mr. Burnett has 2 inspectors and 1 coordinator ready to "roll out" this Program. Mr. Terry Williamson (Jackson attorney and CD Manager) is working to finalize changes to Jackson's Sewer Use

Ordinance (SUO). Mr. Miller stated that the final SUO revision will be presented to the City Council in January 2018. The revision will include authorization for the Public Works Department to use enforcement techniques (fines/penalties) to enforce compliance with the FOG ordinances in the SUO. It also establishes a permitting fee to provide a funding source for Jackson's inspectors and Jackson plans to revise the FOG Control Program after the City Council approves the SUO. Mr. Burnett mentioned that the City agrees that they are behind in implementing the FOG Control Program. Mr. Burnett said that they intend to start inspecting FSEs in January 2018 whether the SUO is approved or not.

Jackson was to have fully implemented the FOG Control Program within 12 months of approval, therefore, the City is not incompliance with this program.

Private Lateral Program: This submittal was approved on August 12, 2016. Jackson admitted there has been no progress on implementing this Program. Under the Supplemental Environmental Project (SEP), the City has identified some defective laterals. The City is still running up upon the owner vs. renter issue as a problem in implementing the SEP. Thus, Jackson has not fully implemented the Private Lateral Program or the SEP.

Gravity Line Preventive Maintenance Program: This submittal was approved on April 21, 2015. Jackson admitted there has been no progress in implementing this Program. It was mentioned that the City has budgeted to contract out gravity sewer cleaning. Currently, there are 2 vacuum trucks that work and 2 vacuum trucks in the shop for maintenance, as well as 1 rodding truck. Jackson has 3 vacuum truck crews and uses chemical root control (attached to the rodding truck). Finally, Jackson has 2 large, 1 medium and 4 small excavators for point repairs. The City's goal of a 7 year cleaning cycle is too ambitious (may shift to a 10 year cycle). Jackson plans to update the Gravity Line Preventive Maintenance Program to reflect current staffing (as opposed to the approved Program's use of 4 vacuum truck crews).

Sewer Overflow Response Plan (SORP): This submittal was approved prior to CD entry. The City is not implementing the approved SORP, as they do not have the required number of response crews (see above discussion). Mr. David Willis (City Consultant) stated that Donnell Hicks is the single person who visits the recurring wet weather SSO locations. Ms. Mary Carter (Jackson employee) stated that she is trying to get him an assistant. Jackson plans to update the SORP to reflect current staffing (as opposed to the approved Program's use of 4 response crews).

Sewer System Evaluation Surveys (SSES): This submittal was approved on June 17, 2014. Jackson stated that this work will be contracted out and will be in City Works (Jackson's current Information Management System) that can tie into the City's GIS system by 2018. The City admitted it did not have many Standard Operating Procedures (SOPs) for the Gravity Sewer line work. Mr. David Willis (City Consultant) mentioned that there is about 1,000,000 linear feet of 6" sewers that need to be updated to 8" sewers.

Field Visits:

EPA visited a two construction/repair project sites (Figures 1 and 2), the Savanna Street WWTP, a CIPP pipe lining job site, and two pump stations. One of the repair job sites involved

replacement of 130-foot section of sewer pipe that collapsed due to stream bank erosion along Caney Creek. Another repair site was in a recent news article complaining that a bypass pump has been running for 8 months The Director stated that delays in funding contract work was the main reason for the delayed repair. The City does not have enough staff to conduct complex repair jobs.



Figure 1. Collapsed pipe repair site. Pipe collapsed and rolled into the creek due to stream bank erosion.

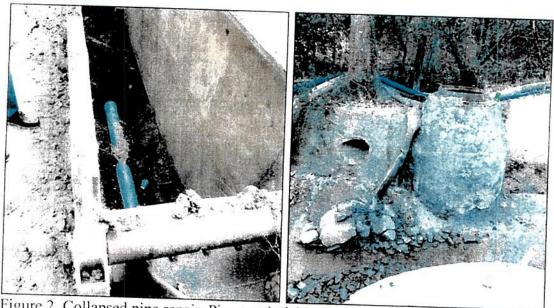


Figure 2. Collapsed pipe repair. Pipe repair delayed by as much as 8 months. Recently appeared in local media.

The EPA observed that the removal of the sludge settling bio-bags was nearly complete at the Savanna Street WWTP (Figure 3). The EPA also observed that the by-pass canal leading from

the retention pond and the discharge flume was dry and visited the Return Activated Sludge pump room ongoing pump replacement is in progress.

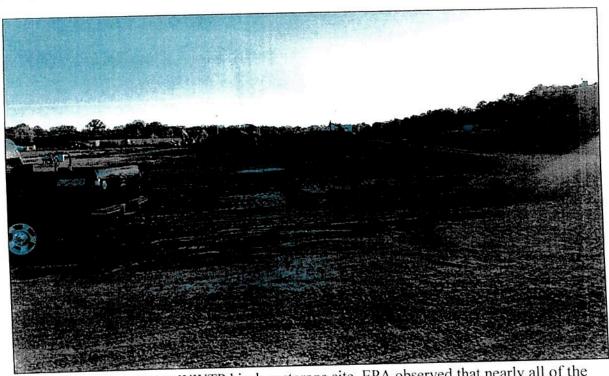


Figure 3. Savanna Street WWTP bio-bag storage site. EPA observed that nearly all of the Bio-bags had been removed from the site.

Following the treatment plant visit, the EPA team visited two pump stations (Mule Jail Pump Station and Siwell #1 Pump Station) and observed pipe replacement work being conducted on Meadow Heights Road and CIPP pipe lining being conducted at Brook Drive and Montbrook Street (Figure 4).



Figure 4. CIPP pipe lining work conducted on Brook Drive & Montbrook Street.

The EPA team also visited the River Hills Country Club, where a chronic FOG blockage occurs due to inadequate FOG equipment maintenance, (Figure 5).

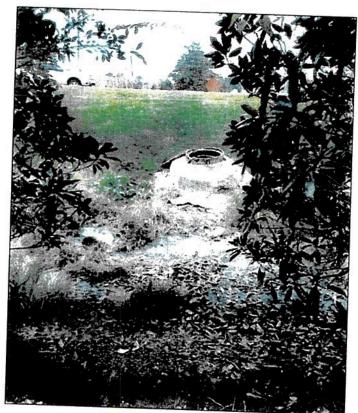


Figure 5. This manhole is a chronic FOG related SSO. Jackson's crew identified that the country club is the only source of flow to this manhole and that the club's grease trap is full and poorly maintained. The crew also found that a large portion of the club's sewer pipes were clogged with grease.

Closing Conference:

The following action items from this inspection were noted:

- Jackson to provide a full staffing plan as staffing shortages are an obvious impediment to implementing the already approved CMOM Programs. This includes a look at the staffing at CD entry, current staffing and future staffing (2018/2019).
- Jackson to move toward a goal of having 6 months reserve for emergency capital projects.
- Jackson to provide an updated Financial Analysis Program.
- Jackson to finalize the draft Sewer Use Ordinance.
- Jackson to provide a master list of sewer maintenance needs.
- Jackson to provide revisions to the SORP, Financial Management Program and Gravity Sewer System O&M Program.
- Meeting to be scheduled in Atlanta (January 18, 19, 25 or 26, 2018).